

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON FEBRUARY 8, 2005

The regular meeting of the Council of the Town of Warrenton was held on February 8, 2005 in the Town Council Chambers.

Councilmembers present: George B. Fitch, Mayor, presiding; Vice Mayor David A. Norden, Councilmen Birge S. Watkins, John V. Albertella, John E. Williams, Dennis M. Sutherland, Terrence L. Nyhous and John S. Lewis, Jr.

Also present: Kenneth L. McLawhon, Town Manager, Whitson Robinson, Town Attorney; and Evelyn J. Weimer, Town Recorder.

The Mayor called the meeting to order and invocation was given by Councilman John S. Lewis, Jr.

The Mayor noted that former Ward One Councilman Stephen L. Athey had recently passed away and stated that, with Council's concurrence, the ballfields at the new recreation center would be named "Stephen L. Athey Memorial Baseball Fields" in honor of Mr. Athey, who had been instrumental in progressing the establishment of the ballfields.

Mayor Fitch noted that those interested could contribute to the Steve Athey Baseball Foundation which would also allow the Fauquier Gators to continue.

Mr. Brian Athey, son of Mr. Athey, noted the family's intention to ensure that the Fauquier Gators ball team continued in honor of his father. He expressed appreciation of the naming of the ballfields in his father's honor.

The Mayor noted that Vice Mayor David Norden would preside over the balance of the Council meeting.

CITIZENS TIME.

Ms. Teresa Bowles.

Ms. Bowles, 7 Main Street, Designs by Teresa, came forward to ask for more police protection on Main Street on weekends. She noted that on weekends there was a problem with vandalism, indicating overturned planters and building numbers being removed from the building.

Mr. Timothy Nevill.

Mr. Nevill, Main Street property owner, noted that tenants above the building he owns are routinely awakened around 2 a.m. He stated that he has seen a litter problem

and that a tenant of the Anderson building noted that the passage way through the building was used as an after hour passage and windows had been broken.

Ms. Annette Johnson.

Ms. Johnson, owner of the Town Duck, 15 Main Street, stated that she had written a letter to the Council on October 4, 2004. She indicated that the alleyway beside her store is used as a public bathroom.

Ms. Laurie Enright.

Ms. Enright noted that she and her sister, Kitty, operated Molly's Irish Pub and indicated that they had operated the Pub for three years in a safe and responsible manner. She stated that they uphold ABC laws, serve alcohol responsibly and enforce strict codes of conduct. She explained that their employees are not comfortable walking home. She noted they were open to ideas on how to help the community, since what is happening on Main Street would affect their business.

Vice Mayor Norden asked Chief Paul to come forward.

Chief Roger Paul.

Chief Paul noted that there was a multi-prong approach to the problem and that First Sergeant Putnam had been assigned to meet with business owners. He explained that Sergeant Putnam had met with five Main Street business owners and had requested assistance from the Sheriff's Department, who agreed to assist. He indicated that parking of a car on Main Street had been considered. Chief Paul indicated that the State Police had indicated they would assist if they are on duty.

Chief Paul stated that officers have been notified to make a presence on Main Street around the 2 a.m. timeframe and that overtime had been authorized. He commented that recent arrests had been made for fighting, disorderly conduct, drunk in public and DUI.

The Vice Mayor stated that in past years officers would walk into pubs and Chief Paul noted that the Police Department had restarted that procedure but it has been limited. He indicated that officers would walk through all pubs, not just those on Main Streets, and that assistance had been requested from the Sheriff's Department due to the Town's short staff.

Chief Paul stated that Captain Allen Cabbage had met with the supervisor of the Alcohol Beverage Control Board and they would be doing undercover work.

The Town Manager stated that there were several good candidates for the Town Police Department current vacancies and he asked if the Planning and Community Development Director had anything to report as far as "occupancy load" and related

enforcement actions. Mr. Mothersead noted that as of yet he did not have anything to report but that a preliminary review had been completed of all restaurants. He stated that there were reports of excess occupants in a number of areas and his department would be working to contain that.

Ms. Anne-Marie Walsh.

Ms. Walsh, Director of the Partnership for Warrenton, reported that the Partnership's Revitalization Committee had been lobbying Old Town as a site for conferences. She announced that a conference had been set for March 30 by the National Trust for Historic Preservation and Virginia Main Street office. She anticipated 150 in attendance for the morning and 70 for the afternoon and noted that the focus of the workshop will be the growth issues that Main Street communities in and near Northern Virginia are facing (Winchester, Orange, Culpeper, Warrenton, Berryville). She stated that the afternoon session will focus on growth issues the communities are facing and ways the communities can move forward as a group.

She noted that "Gumdrop Square" received the Southeast Tourism Society's top 20 event award in December 2004 and the publicity involved with the award was extensive.

PUBLIC HEARINGS.

Special Use Permit #04-08. A request for construction of a single-family dwelling on slopes greater than the 25% maximum as identified in Article 2, Section 15 of the Town of Warrenton Zoning Ordinance.

Mr. Christopher Mothersead, Planning Director, noted that the request was to develop property for a single-family home with slopes greater than 25%. He showed a drawing of the proposed property. He stated that there were drainage issues on the site and that some erosion and sediment control and slope management was recommended. He indicated that during the review that the adjacent property owner to the south noted that there was a significant drainage problem so the matter was tabled. Mr. Mothersead stated that there was a recommendation from the applicant and engineer that the drainage problem be solved by installing a pipe into the existing bottom of the receiver on King Street.

He noted that staff and the Planning Commission recommended approval of the request, with five conditions:

- 1) Property owner and agent would schedule bi-weekly inspections for erosion and sediment control,
- 2) Minimum finished slopes would be at a slope of 3 to 1 or greater,

3) A soils report would be provided with the final plat, because they are the types of soils that typically have some soil erosion potential,

4) A detail of the retaining wall would be provided,

5) The stormsewer and receiver would be installed at the expense of the property owner, who has agreed to do so.

He noted that the only outstanding element to be handled at site plan development would be the need for a temporary construction easement with the adjacent property owner, who has agreed, which would allow construction to take place and the remediation of their property before it is completed. He indicated this would be handled by bond and by site plan of the development.

The Vice Mayor opened the public hearing at 7:31 p.m. and called upon the applicant.

Mr. Sami Qura.

Mr. Qura stated he was in agreement with the neighbors, the Smoots, and was in agreement with what the Planning Director suggested.

Mr. Terry Smith.

Mr. Smith, engineer with Carson, Harris & Associates, stated that the Planning Director outlined issues with the property accurately. He stated that the drainage problem most likely was caused when Conway Road was built and Chelsea Drive extended to intersect King Street.

The Vice Mayor called for anyone to speak for or against the application. There being no citizen wishing to speak, the public hearing was closed at 7:35 p.m.

On a motion by Mr. Nyhous, seconded by Mr. Watkins, the Council voted 7-0 to approve the application (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

CONSENT AGENDA.

- a. Approval of the Council regular meeting held on January 11, 2005.
- b. Financial statement and staff reports and Board and Commission minutes.
 - 1) Financial statement for period ending January 31, 2005.
 - 2) January statement of accounts paid.

3) Miscellaneous staff reports.

- c. Minutes of the November 17, 2004 meeting of the Planning Commission and April 27, 2004, May 25, 2004 and June 22, 2004 minutes of the Architectural Review Board.
- d. Consideration of closure of streets for the “Wearin’ o’ the Green” 5K Run & Walk to be held on Sunday, March 13, 2005 and hanging of banner (from February 25 to March 11) to advertise the event.
- e. Consideration of closure of streets for the Old Town Warrenton Spring Festival to be held on Saturday, May 21, 2005 and hanging of banner to advertise the event.
- f. Piedmont Press (SDP #03-21) - First request for reduction of Letter of Credit. Original bond amount \$159,479.91 and requested for reduction to \$43,941.00. After field inspection, it was found that the erosion and sediment control and the landscaping portion were not in agreement and only a reduction to \$56,978.36 could be supported. Staff recommends a reduction in the Letter of Credit to \$56,978.36 leaving 35.7% of the original bond as surety for the remainder of the project.
- g. Bond reduction – The Highlands of Warrenton, Single-Family Homes Pond B - Stormwater Repairs (SDP #98-01, amended)
Public Improvements Bond No. 1007059 - \$59,300 (July, 16, 2004)
Requested for release December 17, 2004
Staff recommends retention of \$1000 for maintenance of repairs (6 months)
- h. Consideration of resolution adopting the Fauquier County Solid Waste Management Plan.
- i. Consideration of request of Warrenton Hunt Association to hang a banner (from March 11-21) advertising their event.

Mr. Lewis moved for approval of the consent agenda and the motion was seconded by Mr. Williams. Mr. Albertella stated he was in favor of the Fauquier County Solid Waste Management Plan but he felt a resolution should be adopted by Council indicating that there should be an adequate provision for keeping roadways clear of solid waste and debris clearly caused by its transport to and from the facility.

Mr. Watkins stated that there were a number of corrections within the body of the Plan and he thought it should be documented.

Mr. Nyhous felt that the cleanup should be scheduled by the folks who operate the area and noted that he and Mr. Albertella would raise the issue with the Center District Supervisor.

Mr. McLawhon noted that he would require Chief Paul to meet with Sheriff Fox regarding increasing enforcement and ticketing regarding littering. He noted for the record that the effort would be redoubled.

On a vote of 7-0 the consent agenda was approved (for: (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

UNFINISHED BUSINESS.

Transportation Safety Commission Chairman Birge Watkins, Report on reduced speed limits

Mr. Watkins stated that the subject dealt with whether to reduce speed limits on Route 17 coming into Town from the north. He noted that a public hearing would be required. By consensus Council was in agreement.

Consideration of appointment of additional Transportation Safety Commission members

Mr. Watkins noted that Mr. Larry Kovalik was interested in serving on the Transportation Safety Commission for a three-year term. On a motion by Mr. Watkins, seconded by Mr. Albertella, the Council voted 7-0 to appoint Mr. Kovalik to the Transportation Safety Commission for a three year term expiring February 28, 2008 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

Consideration of appointment of member to Architectural Review Board to fill unexpired term expiring December 31, 2006.

Mr. Nyhous stated that there had been discussion at the Council worksession as to whether or not increase the number of persons serving on the ARB and, after discussion with Mr. Sutherland, who is the ex-officio member to the Board, that the new Chairman would see if he felt after 90 days whether it was necessary to add members.

Mr. Nyhous noted that there was a vacancy on the Architectural Review Board due to the resignation of Mr. Barry Starke. He moved that Mr. Robert Thorsen be appointed to serve on the Architectural Review Board for a term expiring on December 31, 2006 and Mr. Williams, seconded the motion. Mr. Nyhous noted that Mr. Thorsen had been interviewed and it was felt that he would be a good addition to the Board.

Council appointed Mr. Thorsen to the ARB on a vote of 7-0 (Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

REPORTS AND COMMUNICATIONS.

- a. Report from Town Attorney.

The Town Attorney noted that there was no report.

- b. Report from Finance Committee.

Mr. Watkins, Chairman, stated that a Finance Committee meeting would be held soon.

- c. Report from the Police Committee.

Mr. Lewis noted that there was no report.

- d. Report from the Public Information Committee.

Mr. Albertella, Chairman, stated that the next meeting would be on February 15, 2005.

- e. Report from the Public Works Committee.

Mr. Lewis, Chairman, stated there was no report.

- f. Report from the Utilities Committee.

Mr. Nyhous stated that he and several other Councilmembers and staff had attended the Virginia Municipal League Legislative Day recently and talked with delegates. He noted that he and other Councilmembers are interested in the Water Improvement Fund and what the General Assembly will be recommending. He stated he felt that there would be an interest in the Chesapeake Bay cleanup and noted that Warrenton was one of the two towns in Virginia who had “stepped up” to the new water standards. He stated that the past Council had done a great deal of work.

- g. Report from Airport Committee.

Mr. Lewis stated that because of the airport’s unique location, it is growing. He noted it was moving from a pleasure airport to more of a business airport.

- h. Report from Planning District 9 Representative.

Mr. Albertella stated that PD 9 had not met since early December. He further stated that he recently represented Warrenton at the “Reality Check” visioning seminar.

- i. Report from Transportation Safety Commission.

Mr. Watkins, Chairman, stated the next meeting would be in March.

- j. Report from Economic Development Advisory Committee representative.

Mr. Williams stated that Mr. Ernie Heuter, Chairman, of the Economic Development Advisory Committee was present and would address Council. Mr. Heuter stated he and Mr. Williams had met concerning getting the group back together. He informed that he was a member of the County's economic committee and was working with Mr. Ray Knott, who is Chairman of the County's committee, and trying to merge both committees. He indicated that he would be reporting to Council as the merger progressed.

Mr. Albertella asked Mr. Heuter what his feelings were on the interdevelopment of goals and working with Mr. Talmage Reeves and the County office and Mr. Heuter responded that they had always been very supportive.

- k. Report from Recreation Committee.

Mr. Sutherland stated that as soon as the Finance Committee was held that he would like a Recreation Committee meeting scheduled. He reported that plans are being progressed for the skateboard park.

The Manager inquired concerning the grant application for the skateboard park and Mr. Tucker responded that the grant required that no charge for the use of the skateboard park be made.

Mr. Williams stated that the Tree Preservation Committee has a grant available where historical sites may receive money for the parks and were waiting for word whether the Town is eligible.

Mr. Williams asked if the Town was working with the County on the park because the County would not become involved unless certain standards are adopted. The Manager stated he was waiting to hear from the County staff and he stated that Mr. Larry Miller would be contacted concerning the layout of the skateboard park.

Mr. Sutherland stated that there was a task force with the Town Police, members of the community and young people and Parks and Recreation got involved but there were no funds available.

Mr. Bo Tucker, Director of Public Works/Utilities noted that the first phase of the project would be concrete pad for the rollerhockey rink and a pad for the skateboard park. Mr. Tucker indicated that there is a request for proposal for obstacle equipment for the skateboard park.

- l. Report from Joint Communications Board representative.

There was no report.

- m. Report from Liaison Committee representative.

There was no report.

- n. Report from the Parking Committee.

Mr. Lewis stated a meeting would be held prior to the end of March.

- o. Report from the Town Manager.

The Manager thanked the Public Works Department for their response during the recent bad weather.

COUNCILMEMBERS' TIME.

Mr. Watkins stated that the Comprehensive Plan included a section on walkable communities and he had circulated some literature on the topic. He further stated that the Virginia Planning Association would be having a meeting at Airlie the end of April and Mr. Dan Burden, an authority on walkable communities would be in Charlottesville. He indicated that Denise Harris, Fauquier County, was present of the Association and would be inviting Mr. Burden to the county and wanted to know if the Town would like to meet with Mr. Burden. He further indicated that the Town could share some transportation costs . . .

Mr. Nyhous reported that there was a feeling of inviting Mr. Ed McMahon of the Urban Land Institute to hear his insights on creating community character.

Mr. Norden noted that he had the 2004 final financial report and the January financial report for the Mosby Foundation and had forgotten to bring it for distribution. He noted he would be distributing it to Council the following day.

There being no further business, the meeting adjourned to the February 15, 2005 special meeting.

Evelyn J. Weimer, Town Recorder